

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDRES LOPEZ,

Defendant.

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8:11CR296

ORDER

This matter is before the court on the amended motion for an extension of time by defendant Andres Lopez (Lopez) ([Filing No. 48](#)). Lopez seeks additional time in which to file pretrial motions in accordance with the progression order. Lopez has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Lopez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted, and Lopez's original motion for an extension ([Filing No. 46](#)) will be denied as moot.

IT IS ORDERED:

1. Defendant Lopez's amended motion for an extension of time ([Filing No. 48](#)) is granted. Lopez is given until **on or before April 13, 2012**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between March 28, 2012, and April 13, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. Defendant Lopez's original motion for an extension ([Filing No. 46](#)) is denied as moot.

DATED this 28th day of March, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge